

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include the Examiner's requested changes to FIGS. 1-9. Specifically, Applicants have amended FIGS. 1, 2, and 5-9 to include descriptive labels for the previously empty boxes within them. The added labels are consistent with the description in Applicants' specification discussing those figures. Applicants have also amended FIGS. 1-6 to add the legend "Prior Art," as requested by the Examiner.

Applicants attach Replacement Sheets including the corrected figures and Annotated Sheets showing where changes have been made.

REMARKS

Applicants submit this Reply in response to the non-final Office Action mailed January 21, 2009. Claims 35-68 are currently pending. In this response, Applicants have amended claims 35-41, 45, 47-49, and 68. No new matter has been added.

In the Office Action, the Examiner objected to the drawings for lacking labels within boxes and designations of prior art, objected to the method claims due to minor informalities, rejected claims 35-50 and 68 under 35 U.S.C. § 101, and allowed claims 51-67. Applicants acknowledge with appreciation the allowance of claims 51-67 and traverse the pending objections and rejections of the drawings and remaining claims in light of the foregoing amendments and the following comments.

Drawing Objections

The Examiner objected to the drawings on two grounds, both of which have been overcome. First, the Examiner objected that "the boxes (2a, 2b, 2c, 16, 17 ...) in the Figures are blank" and should include labels. Office Action at 2. In response, Applicants have amended FIGS. 1, 2, and 5-9 to include descriptive labels for boxes within them, consistent with their description in the specification. Second, as required by the Examiner, Applicants have added the legend "Prior Art" to FIGS. 1-6 in the Replacement Drawings. In view of these amendments to the drawings, Applicants submit that the drawings objections are moot.

Claim Objections

The Examiner objected to claim 35 because the phrase "the transfer function" should be "a transfer function" and objected to the term "step(s)" in the method claims. Applicants have amended claim 35 to change "the transfer function" to "a transfer

function” as suggested by the Examiner and have deleted the references to “step(s)” in the method claims. These claim objections should, therefore, be moot.

Rejections Under 35 U.S.C. § 101

Although Applicants respectfully traverse the rejection of claims 35-50 under 35 U.S.C. § 101, Applicants have amended independent claim 35 to expedite prosecution. “[A] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” *In re Bilski*, 545 F.3d 943, 954 (Fed. Cir. 2008) (en banc). Method claim 35, as amended, is tied to an apparatus in the form of a “mobile telecommunications terminal,” which performs the recited steps for estimating a transfer function. Amended claim 35, therefore, satisfies Section 101. Claims 36-50 also comply with Section 101 due at least to their dependence directly or indirectly from independent claim 35, as amended.

Similarly, in response to the rejection under Section 101, Applicants have amended claim 68 to recite a computer-readable medium storing a computer program product for execution by a computer. “[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.” MPEP § 2106(IV)(B)(1)(a); *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Therefore, amended claim 68 satisfies Section 101.

Thus, Applicants request that the Examiner withdraw the rejection of claims 35-50 and 68 under 35 U.S.C. §101.

Conclusion

The preceding remarks are based only on the assertions in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other possible bases of patentability.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 13, 2009

By: 

R. Bruce Bower
Reg. No. 37,099

Attachments: **Replacement Sheets of FIGS. 1-9**
 Annotated Sheets showing changes to FIGS. 1-9

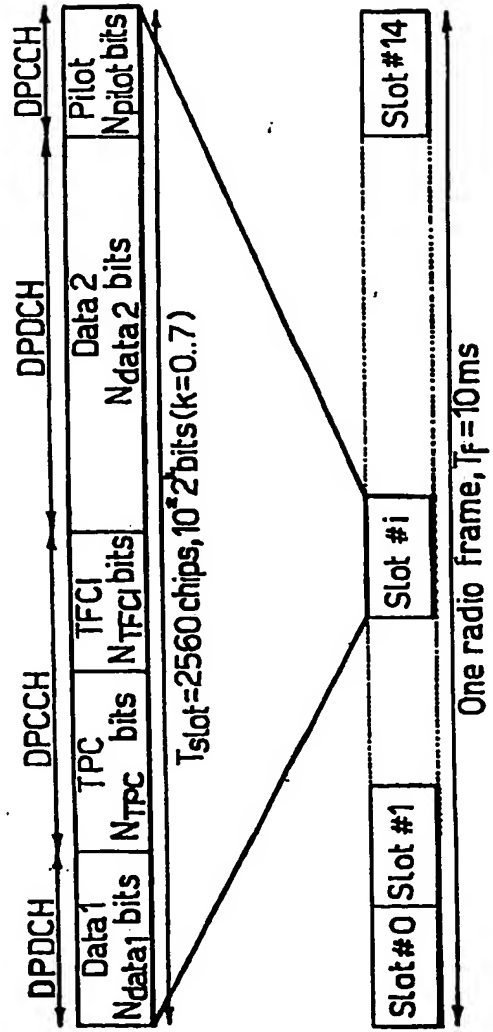
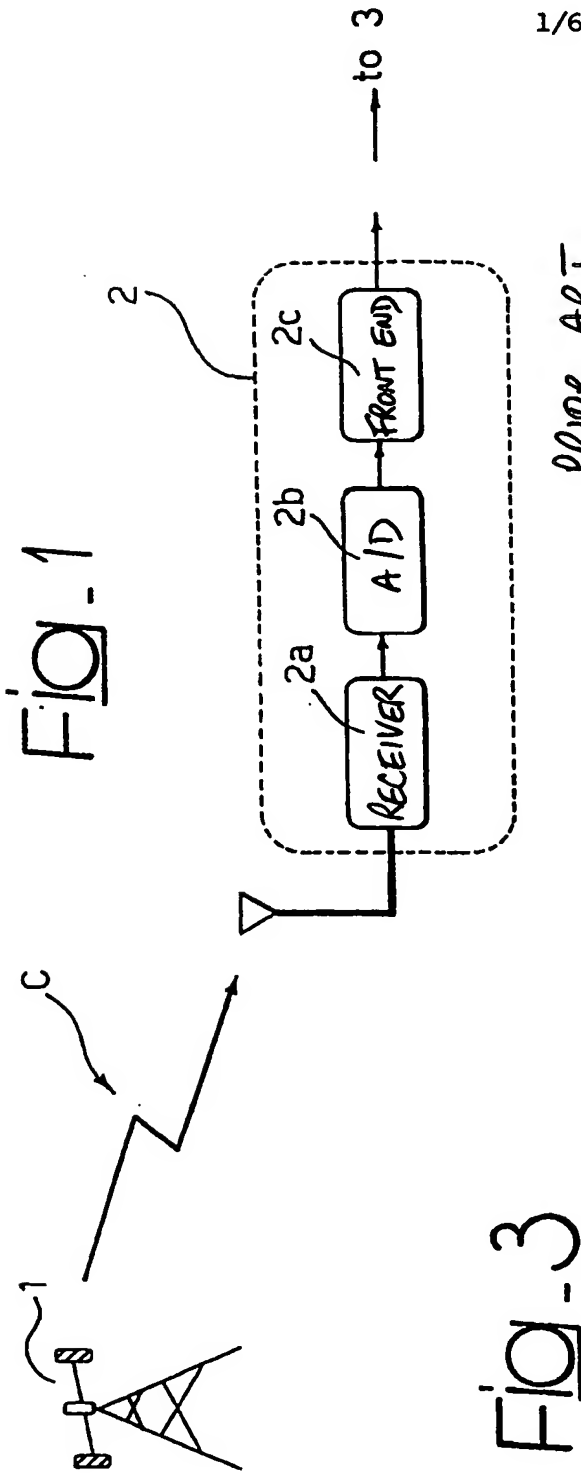


Fig. 2

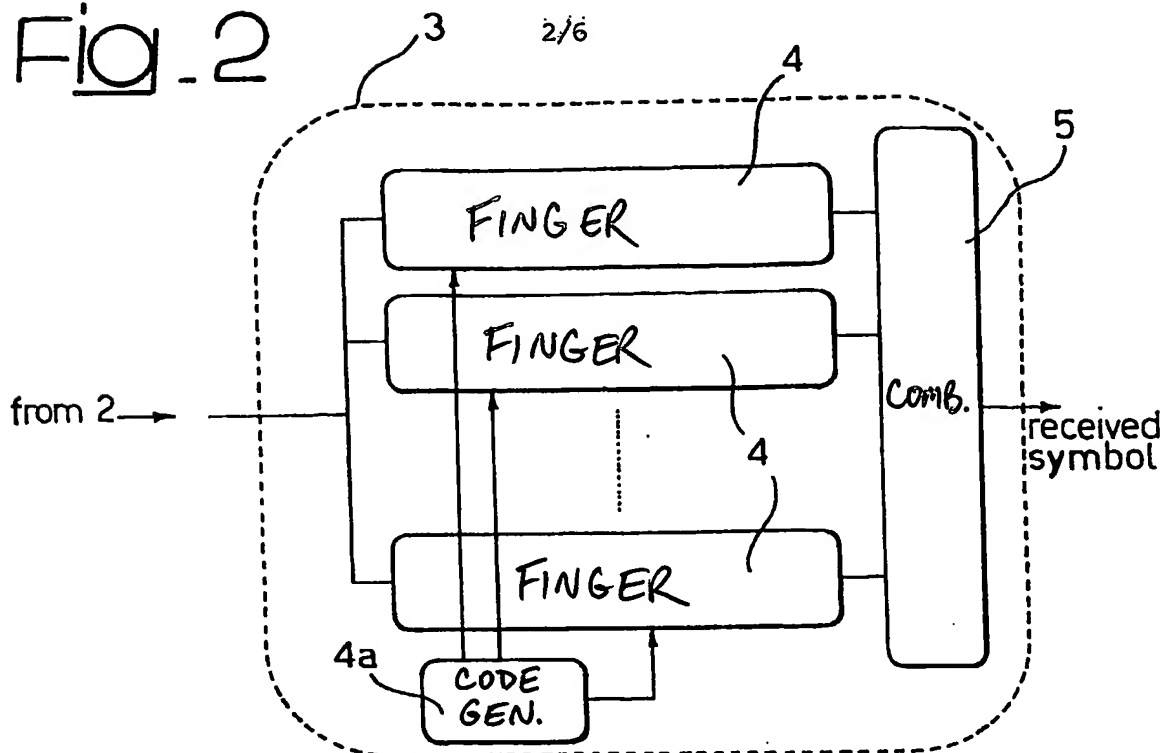
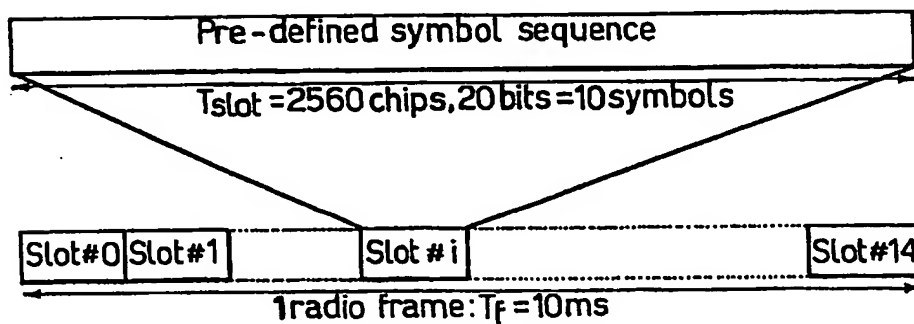


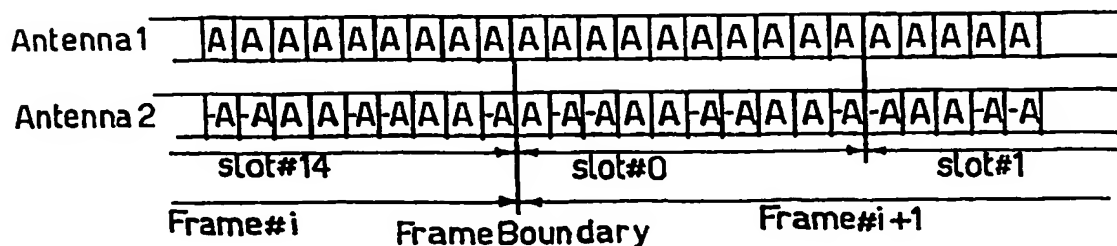
Fig. 4

PRIOR ART

a)



b)



PRIOR ART

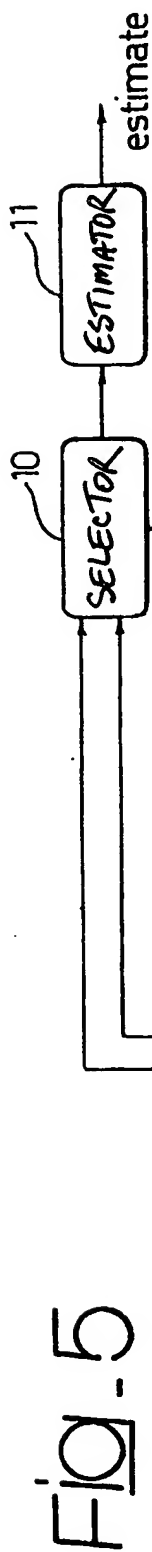
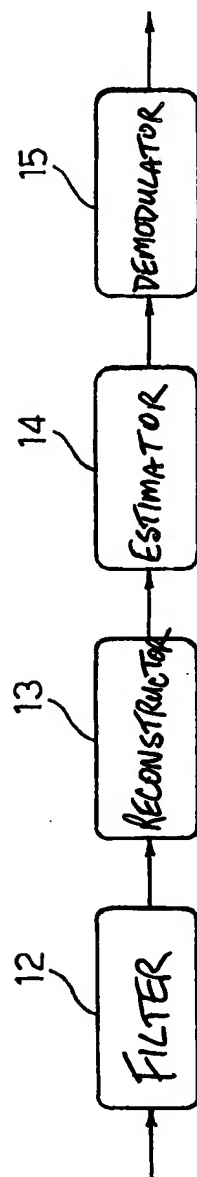


Fig. 6

PRIOR ART



PRIOR ART

Fig. 7

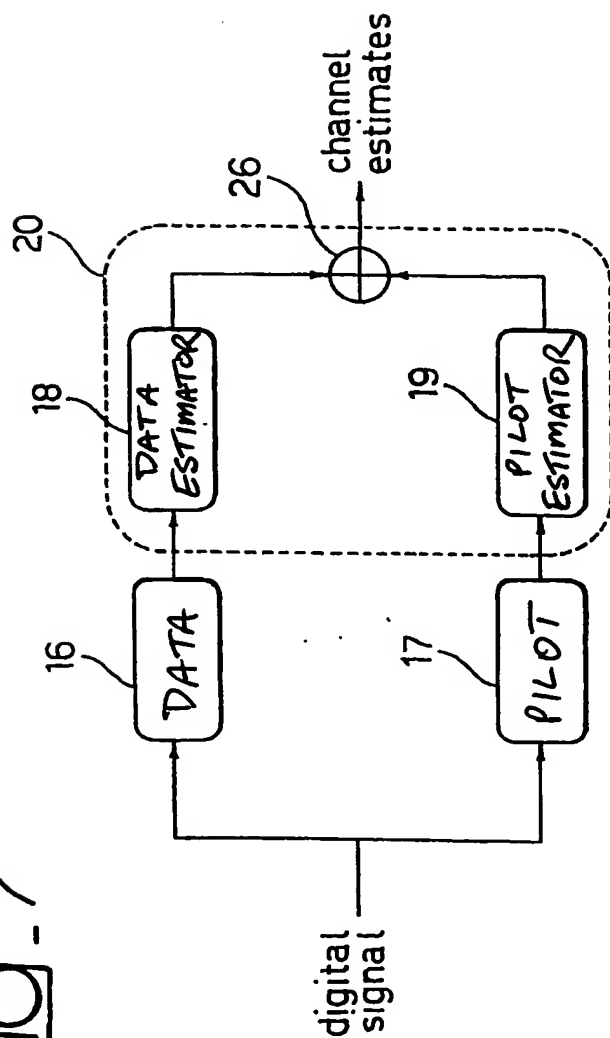
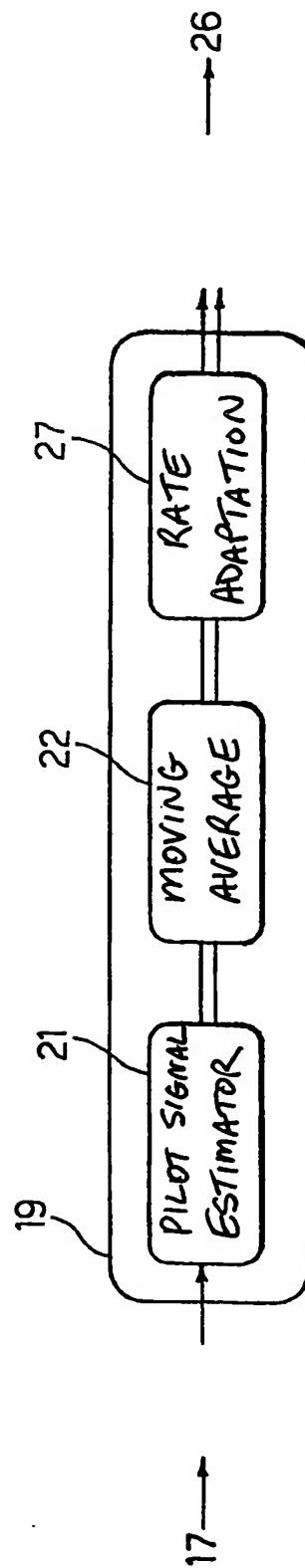


Fig. 8



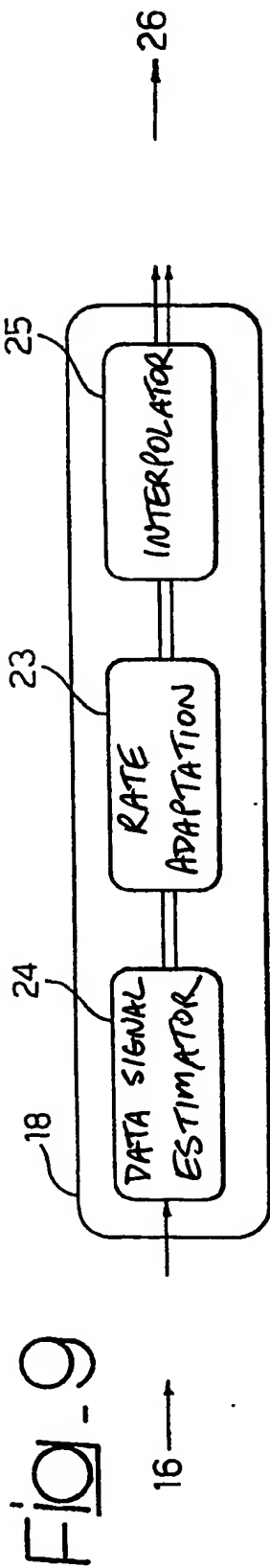


FIG. 10

